

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
June 15, 1999 - 9:00 a.m. - Room 305 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Cochair  
Rep. David Ure, Cochair  
Sen. Eddie "Ed" P. Mayne  
Sen. Howard C. Nielson  
Rep. James R. Gowans  
Rep. Martin R. Stephens  
Rep. John E. Swallow

**Members Excused:**

Sen. Mike Dmitrich  
Sen. L. Alma Mansell  
Rep. Judy A. Buffmire

**Staff Present:**

Mr. Arthur L. Hunsaker,  
Research Analyst  
Ms. Esther D. Chelsea-McCarty,  
Associate General Counsel  
Ms. Barbara A. Teuscher,  
Legislative Secretary

**Note:** A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order and Approval of Minutes of Meeting Held May 11, 1999** - Rep. Ure called the meeting to order at 9:20 AM.

**MOTION:** Rep. Swallow moved that the minutes of the May 11, 1999 meeting be approved. The motion passed unanimously.

**2. R523-1-19 Prohibited Items and Devices on the Grounds of Public Mental Health Facilities** - Mr. Brian Miller, Deputy Director, Division of Mental Health, said that after considerable review by the board, it was decided that it was not practical to address the Administrative Rules Review Committee's concerns through a rule change. Having a client come to the facility, display their weapon out in the open prior to storage, and have it exposed once again as they leave was considered too provocative. It would be better for the client to keep the weapon on his person. The statutory intent does not appear to suggest that storage will be provided, especially when it prohibits transportation of firearms to the facility.

Rep. Ure said having clients keep the weapon on them is a "don't ask, don't tell" approach that leads to a false sense of security. Ms. McCarty said agency interpretation of the pertinent statutes defeats the original intent of the Legislature, which was that Sections 76-8-11.1 and 11.3 should be read together. Mr. Miller said that Section 76-8-11.2(4) suggests to him that the two provisions are to be read separately. Rep. Ure thanked Mr. Miller for his testimony.

**3. R477-1,2, 4-12, 14 and 15 (Human Resource Management Rules, June 1 Utah State Bulletin)** - Mr. Conroy Whipple, Legislation and Planning Coordinator, Department of Human Resource Management, explained that each year the department surveys state agencies for input on their rules. The feedback is then compiled and considered during the department's annual

effort to update their rules. He gave an overview of the rules as published in the May 15 Utah State Bulletin, and fielded numerous questions from committee members. During discussion of R477-1(Definitions), for instance, Rep. Ure, Rep. Gowans, Sen. Nielson, Ms. McCarty asked several questions regarding the proper use of personnel files by management, what items a supervisor can legally and properly place in an employee personnel file, and whether a supervisor can build a file on an individual employee.

During discussion of R477-8(Working Conditions) Mr. Whipple distributed a handout entitled, "Annual Leave Comparison." Rep. Stephens said his understanding of the change in the reimbursement rates for state employee travel was that the Legislature did not mandate it, but that it was an option the Division of Finance could choose to implement. However, an impression has been created in the press that the Legislature mandated the rate change.

Mr. Whipple continued his summary of the rules and fielded questions from committee members and staff.

Mr. Tom Bielen, Executive Director, Utah Public Employee Association, spoke to the issue of employee personnel files. He commented that there is little direction given to supervisors as to what material is appropriate for placement in the file.

**4. Training** - Ms. McCarty, committee staff, and Ken Hansen, Director, Division of Administrative Rules, presented training to the committee regarding the role of the Administrative Rules Review Committee and the Division of Administrative Rules, respectively.

**5. Committee Business** - The committee decided not to meet on June 22 and tentatively scheduled the next meeting for June 29.

**6. Adjourn** -

**MOTION:** Sen. Mayne moved to adjourn the meeting at 11:55 a.m. The chair ruled that the motion passed with Sen. Stephenson and Reps. Ure and Stephens absent for the vote.